

REMARKS

This is a timely response submitted within the first three months after the issuance of a non-final Office Action dated December 2, 2003. Claims 1-10, 14, 31-38, 42-47, 49 and 50 are pending in this application. The Examiner has indicated that claims 4-7, 10, 33, 34, 36, 37, 45 and 46 are objected to for depending upon reject base claims but would be allowable if rewritten in independent form including all the limitations of the respective base claims and intervening claims. Claim 38 is rejected as reciting a double inclusion of an element of claim 31. Lastly, claims 1-3, 8, 9, 14, 31, 32, 35, 38, 42-44, 47, 49 and 50 are rejected over cited art.

Claims 1, 8-10, 14, 31, 38, 42-44, 46 and 50 have been amended, claims 5 and 37 have been cancelled, and new claims 51-72 submitted herein. Applicants would like to thank the Examiner for the acknowledgement of the objected to, but otherwise allowable claims.

Initially, Applicants point out that the title of the invention has been amended to more accurately reflect the currently pending claims which do not include method claims.

Applicants have also amended claims 1, 8-10, 14, 31, 38, 42-44, 46 and 50 to remove the word "drill" prior to the word "guide". The word "drill" is not removed for purposes of patentability, and indeed, is not necessary for patentability. Moreover, none of the art cited by the Examiner would limit the guide in any way.

Applicants have amended independent claim 1 to include the recitations of dependent claim 5 that has been indicated as allowable by the Examiner. Consequently, Applicants submit that

claims 1-4, 6-10, 14, 47 and 50 are now allowable, although, it is understood that each claim is separately patentable as well.

Applicants have also amended independent claim 31 to include the recitations of dependent claim 37 that has been indicated as allowable by the Examiner. Consequently, Applicants submit that claims 31-38, 42 and 49 are now allowable, although, it is understood that each claim is separately patentable as well.

Additionally, Applicants have amended independent claim 43 to include the recitations of allowable claim 5. Thus, it is submitted that claims 43-46 are allowable, although it is understood that each claim is separately patentable as well.

Lastly, Applicants submit new claims 51-72, wherein independent claims 51, 62 and 70 contain subject matter that has been indicated as being allowable by the Examiner. Namely, independent claim 51 is a combination of claims 1 and 4, independent claim 62 is a combination of claims 31 and 33, and independent claim 70 is a combination of claims 43 and 45. Therefore, claims 51-72 are believed to be patentable.

Claims 5 and 37 have been cancelled.

All the currently pending claims are believed to be in condition for allowance, and no new matter has been added. As it is believed that all of the rejections and objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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Docket No.: OSTEONICS 3.0-415

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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